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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/730,648

12/08/2003

Dale E. Redford

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EXAMINER

KOEHLER, CHRISTOPHER M

ART UNIT

PAPER NUMBER

3726

MAIL DATE

DELIVERY MODE

07/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/730,648	Applicant(s) REDFORD ET AL.	
	Examiner Christopher M. Koehler	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 8-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/8/03, 4/26/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-7 in the reply filed on 3/31/2008 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant Admitted Prior Art (AAPA).

Claim 1:

AAPA teaches a method of preparing flat articles for sorting comprising receiving a bundle of flat items to be sorted, the bundle being wrapped with a flexible film such that the film forms an enclosed package of flat items (background of specification); placing the bundles on a substantially horizontal work surface; moving the bundle adjacent at least one film slitter (knife), the film slitter being activated when the bundle is moved adjacent the film slitter (operator cuts with knife); removing the cut film from the flat items; and stacking the unbundled flat items in a cartridge (automated sorter).

Claim 2:

AAPA teaches that the bundle is packaged using flexible straps wherein the method further comprises removing the straps with a retractable clipper mounted adjacent the work surface (knife).

Claim 7:

AAPA teaches that the slitter (knife) is activated (used) when the bundle is positioned adjacent the film slitter (background).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Grahn et al. (US Patent No. 3,889,442).

Claim 3:

AAPA teaches slitting the film with a first film slitter (knife) but does not teach first and second film slitters positioned and 90 degrees relative to one another and furthermore simultaneously cutting the film on at least two sides of the bundle. Grahn teaches a method of slitting a plastic film from a bundle (abstract) comprising a first film slitter (20, 21) positioned at 90 degrees relative to a second film slitter (22, 23) and wherein the method further comprises simultaneously cutting the film on at least two sides of the bundle. It would have been obvious to one of ordinary skill in the art at the

time of invention to apply the teachings of Grahn to the method of AAPA in order to achieve an automated and therefore more efficient method of removing the plastic film.

Claim 5:

AAPA teaches the structure above but fails to teach that the horizontal work surface is substantially frictionless. Grahn teaches that the horizontal work surface (19) is substantially frictionless. It would have been obvious to one of ordinary skill in the art at the time of invention to apply the surface of Grahn to that of AAPA in order to make it more effortless to convey the film wrapped bundles.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Weder (US 2002/0160897).

Claim 4:

AAPA teaches that the film splitter is a knife and not an air splitter. Weder teaches slitting plastic material by air jet cutting. It would have been obvious to one of ordinary skill in the art to apply the air jet cutting of Weder to the method of AAPA in order to provide a slitting means that will not dull with repeated use nor damage the flat items within the film wrapped bundle.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Bretschneider et al (US 2005/0045531).

Claim 6:

AAPA teaches that the flat items are stacked in a cartridge (automated sorter) but does not discuss the structure thereof. Bretschneider teaches a cartridge (5) that is supported in a self-adjusting lift, the lift adjusting the elevation of the cartridge such that

the top of the stack of flat items is maintained adjacent the work surface (figure 1). It would have been obvious to one of ordinary skill in the art at the time of invention to apply the cartridge teachings of Bretschneider to the method of AAPA in order to provide an ergonomically efficient means of transporting the flat items into the automated sorter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Koehler whose telephone number is (571)272-3560. The examiner can normally be reached on Mon.-Fri. 7:30A-4:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. M. K./
Examiner, Art Unit 3726

/David P. Bryant/
Supervisory Patent Examiner, Art Unit 3726